

1 COOLEY LLP
BOBBY GHAJAR (198719)
2 (bghajar@cooley.com)
COLETTE GHAZARIAN (322235)
3 (cghazarian@cooley.com)
1333 2nd Street, Suite 400
4 Santa Monica, CA 90401
Telephone: (310) 883-6400
5 MARK WEINSTEIN (193043)
(mweinstein@cooley.com)
6 KATHLEEN HARTNETT (314267)
(khartnett@cooley.com)
7 JUDD LAUTER (290945)
(jlauter@cooley.com)
8 ELIZABETH L. STAMESHKIN (260865)
(lstameshkin@cooley.com)
9 3175 Hanover Street
Palo Alto, CA 94304
10 Telephone: (650) 843-5000
11 CLEARY GOTTlieb STEEN & HAMILTON LLP
ANGELA L. DUNNING (212047)
12 (adunning@cgsh.com)
1841 Page Mill Road, Suite 250
13 Palo Alto, CA 94304
Telephone: (650) 815-4131
14 PAUL, WEISS, RIFKIN, WHARTON & GARRISON LLP
KANNON K. SHANMUGAM (*pro hac vice*)
15 (kshanmugam@paulweiss.com)
2001 K Street, NW
16 Washington, DC 20006
Telephone: (202) 223-7300
17 *Counsel for Defendant Meta Platforms, Inc.*

18
19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 RICHARD KADREY *et al.*,
23 Individual and Representative Plaintiffs,
24 v.
25 META PLATFORMS, INC., a Delaware
26 corporation,
27 Defendant.

Case No. 3:23-cv-03417-VC

**DECLARATION OF BOBBY GHAJAR IN
SUPPORT OF DEFENDANT META
PLATFORMS, INC.'S REPLY IN SUPPORT OF
ITS MOTION FOR PARTIAL SUMMARY
JUDGMENT**

1 I, Bobby Ghajar, hereby declare:

2 1. I am a Partner at Cooley LLP and a member in good standing of the state bar of
3 California. I am outside counsel for Defendant Meta Platforms, Inc. (“Meta”) in this litigation.
4 Unless otherwise stated, the contents of this Declaration are based on my personal knowledge of
5 the relevant facts and, if called to testify as a witness, I could and would testify competently thereto.

6 2. Pursuant to Federal Rule of Civil Procedure 56(c) and Civil L.R. 7-5, I make this
7 declaration in support of Meta’s Reply in Support of its Motion for Partial Summary Judgment.
8 Relevant portions of the attached exhibits are highlighted for the Court’s convenience.

9 **Relevant Written Discovery and Deposition Testimony from Plaintiffs**

10 3. Attached as **Exhibit 54** are true and correct copies of (i) excerpts from the transcript
11 of the December 10, 2024 deposition of Plaintiff Matthew Klam, which reflect his testimony as to
12 whether he has used Meta’s Llama models, together with (ii) excerpts of certain Plaintiffs’
13 Responses to Meta’s Requests for Admissions, namely, Responses to Request No. 25 (No. 27 as to
14 Pl. Farnsworth), concerning Plaintiffs’ personal use, if any, of Meta’s Llama models.

15 **Relevant Deposition Testimony From Plaintiffs’ Expert Witnesses (Choffnes and Lopes)**

16 4. Attached as **Exhibit 55** are true and correct copies of excerpts from the transcript of
17 the deposition of Plaintiffs’ rebuttal expert Dr. David Choffnes, taken March 28, 2025.

18 5. Attached as **Exhibit 56** are true and correct copies of excerpts from the transcript of
19 the deposition of Plaintiffs’ expert Dr. Cristina Lopes, taken March 7, 2025.

20 **Relevant Deposition Testimony and Documents from Meta’s Expert Witness Barbara**

21 **Frederiksen-Cross**

22 6. Attached as **Exhibit 57** are true and correct copies of excerpts from the transcript of
23 the second deposition of Meta’s expert Barbara Frederiksen-Cross, taken April 4, 2025
24 (“Frederiksen Dep.”).

25 7. Attached as **Exhibit 58** is a true and correct copy of the Rebuttal Expert Report of
26 Barbara Frederiksen-Cross (excluding appendices thereto), dated February 10, 2025 (“2/10/25
27 Frederiksen Report”). During her April 4, 2025 deposition, Ms. Frederiksen-Cross affirmed
28

(Frederiksen Dep. 14:11–16:3) that the statements in the 2/10/25 Frederiksen Report are accurate to the best of her knowledge, information, and belief (*see supra* Exhibit 57).

8. Attached as **Exhibit 59** is a true and correct copy of the Second Rebuttal Expert Report of Barbara Frederiksen-Cross (to the “Rebuttal Report of David R. Choffnes, Ph.D, February 26, 2025”), dated April 1, 2025 (“4/1/25 Frederiksen Report”). During her April 4, 2025 deposition, Ms. Frederiksen-Cross affirmed (Frederiksen Dep. 22:11–21) that the statements in the 4/1/25 Frederiksen Report are accurate to the best of her knowledge, information and belief (*see supra* Exhibit 57).

Relevant Deposition Testimony from Various Meta Witnesses

9. Attached as **Exhibit 60** are true and correct copies of excerpts from the transcript of the Rule 30(b)(1) deposition of Nikolay Bashlykov, taken December 5, 2024.

10. Attached as **Exhibit 61** are true and correct copies of excerpts from the transcript of the Rule 30(b)(1) deposition of Alex Boesenberg, taken November 18, 2024.

11. Attached as **Exhibit 62** are true and correct copies of excerpts from the transcript of the Rule 30(b)(6) deposition of Sy Choudhury, taken December 5, 2024.

12. Attached as **Exhibit 63** are true and correct copies of excerpts from the transcript of the Rule 30(b)(1) deposition of Melanie Kambadur, taken September 17, 2024.

Declaration in Response to Subpoena

13. Attached as **Exhibit 64** is a true and correct copy of the Declaration of the Senior Director of Strategy & Innovation in the Office of the CEO at a third-party company, dated April 4, 2025. This declaration was provided to Meta on April 4, 2025, in response to a deposition subpoena issued by Meta on said company on January 24, 2025. Meta also shared the declaration with Plaintiffs on April 4, 2025, before they filed their opposition to Meta’s motion for partial summary judgment.

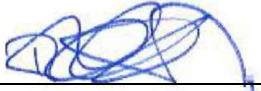
Meta’s Productions of Records Relating to Torrenting Activity

14. Meta has produced logs reflecting its torrenting activity in 2022 and usage records for the 2024 download. I am informed that on March 19, 2025, Meta produced production volume Meta_Kadrey_39, which contained records of activity relating to Meta’s 2024 torrenting activity,

1 including the amount of data sent and received. I am informed that on March 30, 2025, Meta
2 produced production volume Meta_Kadrey_42, which contained the logs of Meta's 2022 torrenting
3 activity. I am informed that on April 1, 2025, Meta also produced production volume
4 Meta_Kadrey_44, which contained a de-duplicated version of the 2024 records. On February 10,
5 2025, Meta also produced to Plaintiffs, accompanying the 2/10/25 Frederiksen Report, documents
6 showing a listing of the files that Meta downloaded via torrent in 2024 for LibGen (Non-Fiction),
7 Internet Archive (IA), and ZLib. These documents were also produced to Plaintiffs as production
8 volume Meta_Kadrey_039 on March 19, 2025.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct.

11 Executed in Sarasota, Florida on this 17th day of April, 2025.

12 
13 Bobby Ghajar
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28